

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

310727

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/055684

International filing date (day/month/year)

02.11.2005

Priority date (day/month/year)

03.12.2004

International Patent Classification (IPC) or both national classification and IPC

B24D15/02, B25F5/00, B23Q11/00, B23Q5/033

Applicant

ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-3, 5</u>	YES
	Claims	<u>4, 6, 7</u>	NO
Inventive step (IS)	Claims	<u>1-3, 5</u>	YES
	Claims	<u>4, 6, 7</u>	NO
Industrial applicability (IA)	Claims	<u>1-7</u>	YES
	Claims	<u> </u>	NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US 4 414 781

D2: US 6,347,985

2 Claims 1-3

D2, which was cited by the applicant, is considered to be the closest prior art and forms the basis for the preamble of claim 1.

The subject matter of claim 1 differs from this known device through the features of the characterising part and is therefore novel (PCT Article 33(2)).

These features create greater efficiency.

Both "means for stabilising the incoming and exiting air", such as an inlet grating and/or an outlet grating and labyrinth seals are extremely well known in turbine design; see search report. However, these features are known from the prior art only in devices that are constructed in a completely different manner from the

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

device in D2 or which belong to other specialist areas.
The combination is therefore not obvious to a person skilled in the art.

The subject matter of claim 1 therefore involves an inventive step (PCT Article 33(3)).

Claims 2 and 3 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.

3 Claims 4-7

D1 discloses (the references between parentheses apply to this document) a hand-held machine tool comprising a housing and a tool (32) that is arranged thereon in such a way that it can be driven in an oscillating manner, said tool being operable, according to the design, by an intake air flow with a vacuum cleaner, WHEREIN a turbine (40) comprising a turbine wheel (41, 43) serves as the drive, said turbine wheel being provided with means (193, 194, 196, etc.) for settling the inflowing air, wherein said turbine wheel has a balancing weight (72) coupled to the axis shaft, said balancing weight forming a labyrinth seal together with structures (84) of an axially adjacent component.

The subject matter of claim 4 is therefore not novel (PCT Article 33(2)).

D2 is also prejudicial to the novelty of claims 6 and 7.

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The subject matter of claim 5 is not rendered obvious by
the available prior art (PCT Article 33(3)).

4 The subject matter of the application is
industrially applicable.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

- The application partly contravenes PCT Article 5, because it does not disclose how a hand-held machine tool can be constructed with a turbine and an outlet grating and a labyrinth seal.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- The expression "means for settling the inflowing and/or outflowing air" is vague and unclear and therefore contravenes PCT Article 6. Furthermore, "means for settling the outflowing air" is not supported by the description.